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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,249	09/08/2005	Takuzo Nakamura	SHH-008	1462
33628 7590 12/11/2008 KANESAKA BERNER AND PARTNERS LLP 1700 DIAGONAL RD SUITE 310 ALEXANDRIA, VA 22314-2848				
EXAMINER VESRA, DINESH K				
ART UNIT 3633		PAPER NUMBER		
MAIL DATE 12/11/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,249

Applicant(s)

NAKAMURA ET AL.

Examiner

Dinesh Vesra

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
- 2.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

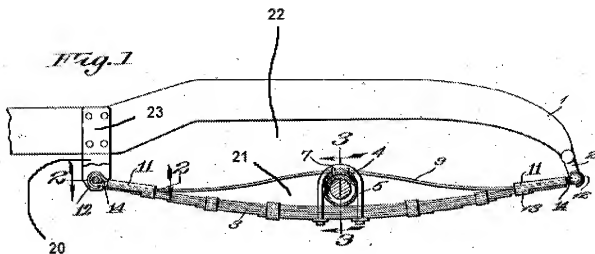
4. **Claims 10-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesley (US Patent 2,058,281) in view of Roberts (US Patent 1,194,069).** Wesley discloses a reinforcing structure (see Fig. 1 below) comprising first (1) and second (20) structural members; a reinforcing member (3) extending between the first and second structural members and fixed to the first and second structure members (via 12) to form a first space (22) surrounded by the first and second structure members connected to each other and the reinforcing member, said reinforcing member including a first spring member (3) protruding to a direction opposite to a contacting portion between the first and second structural members and a second spring member (9) protruding toward the contacting portion, said first and second spring members forming a second space (21) therebetween. Wesley does not disclose at least one of a

damper member and a first synthetic resin foam provided in the second space and a second synthetic resin foam provided in the first space. Roberts discloses a reinforcing member with a suitable material (Column 2, lines 80-82), in the first space (5) and the second space (6). It would be obvious to one of ordinary skill in the art to use synthetic resin foam as the material (5, 6) due to its reinforcing properties as well as its damping abilities. At the time of the invention, it would have been obvious to one of ordinary skill in the art to provide the reinforcing member of Wesley with synthetic resin foam in the two spaces in view of the teachings of Roberts. The motivation for doing so would be to provide more reinforcement and more damping.

With respect to claim 11, the combination of Wesley and Roberts disclose the second spring member (9) being formed by a first plate spring (9) and the second spring member (3) being formed by a second and third plate springs overlapping each other and joined with retainers (3 is formed from multiple plate springs joined with retainers), rather than the first spring member formed of the first plate spring and the second spring member being formed of the second and third plate springs overlapping each other and joined with retainers. It would be obvious to one of ordinary skill in the art to flip the reinforcing member and attach it the other way as the device would still function in the same manner.

Wesley and Roberts disclose the reinforcing member as set forth above wherein the second plate spring is fixed at two longitudinal end portions to the first and second structural members (via 12), and the first plate spring is immovably connected at two longitudinal end portions only to the second plate spring without connecting to the first

and second structural members (see Fig. 1); wherein the first and second structural members contact or cross each other (at 23).



5. **Claims 13, 14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesley and Roberts as applied to claim 10 above, and further in view of Long (US Patent 70,446).** Wesley and Robert disclose the reinforcing member as set forth above, but do not disclose wherein the damper member is a spring installed between the first and second spring members to contact thereto, and wherein the damper member is provided in the second space. Long discloses a reinforcing member with a damper member located in the second space between the first and second spring members, the damper member (A) being a spring (Paragraph 6). At the time of the invention, it would have been obvious to one of ordinary skill in the art to provide the reinforcing member of Wesley and Roberts with a spring between the first and second spring members in view of the teachings of Long. The motivation for doing

so would be to provide additional damping between the first and second spring members, in addition to that which is provided by the synthetic resin foam.

6. Although the specific references relied upon do not specifically teach a building reinforcing member, the structure of all of the claimed limitations are present and it would be obvious to one of ordinary skill in the art to use the reinforcing member taught by the prior art as a building reinforcing member to provide resistance to shocks and vibrations caused by earthquakes, as is the reinforcing members of the prior art are also used to eliminate shocks and vibrations.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh Vesra whose telephone number is (571) 270-5221. The examiner can normally be reached on Monday - Thursday 9:00 a.m. - 7:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinesh Vesra/
Examiner, Art Unit 3633

/Brian E. Glessner/
Supervisory Patent Examiner, Art Unit 3633